

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

December 15, 2015

5:30 p.m.

Courthouse

MINUTES:

MEMBERS PRESENT:

Commissioner Paul Johnson  
Commissioner Allen McAdoo  
Commissioner Robert Peay  
Commissioner Jeff Phillips  
Commissioner Robert Stevens  
Commissioner Trey Gooch, C

OTHERS PRESENT:

Ernest Burgess      Lisa Nolen  
Jeff Davidson      Rhonda Allen  
Bob Asbury      Brian Gaither  
Frances Mosby      Mike Kusch  
Aaron Holliday      Jim Tracy  
Bill Ketron      Dawn White

Dr. Bryan Terry, Mike Sparks, Colin Miller, Doug Bodary, Kaye Jernigan, Becky Shelton

Chairman Gooch presided and called the meeting to order at 5:34 p.m. with six members being present at that time.

MINUTES:

"Commissioner Stevens moved, seconded by Commissioner Johnson, to approve the minutes of the last meeting as mailed. This motion passed unanimously by acclamation."

FILL VACANCIES ON AGRICULTURAL ADVISORY BOARD:

Chairman Gooch advised the positions of the farm woman, the farmer and two Commissioners on the Agricultural Advisory Board were to be filled. Chairman Gooch advised Phyllis Ferguson had applied for the farm woman position.

"Commissioner Phillips moved, seconded by Commissioner Peay to approve appointment of Phyllis Ferguson to the farm woman position on the Agricultural Advisory Board by acclamation. This motion passed unanimously by acclamation."

Chairman Gooch advised applications had been received from Colin Miller and Donald Blankenship for appointment to the farmer position on the Agricultural Advisory Board. Mr. Miller was in attendance and addressed the Committee. Commissioner Peay advised Mr. Blankenship had advised him previously that he wished to withdraw his application in the event someone else applied as the Committee did interfere with his farm work.

"Commissioner Peay moved, seconded by Commissioner Johnson, to approve appointment of Colin Miller to the farmer position on the Agricultural Advisory Board by acclamation. This motion passed unanimously by acclamation."

Chairman Gooch advised applications had been received from Will Jordan and Robert Peay, Jr. for appointment to the Commissioner positions on the Agricultural Advisory Board.

"Commissioner Phillips moved, seconded by Commissioner Johnson, to approve appointment of Will Jordan and Robert Peay, Jr. to the Commissioner positions on the Agricultural Advisory Board by acclamation. This motion passed unanimously by acclamation."

FILL TWO VACANCIES ON COMMUNITY CARE BOARD:

Chairman Gooch advised the Community Care Board of Directors had submitted a letter in support of the reappointment of Kaye Jernigan. Additionally, applications had been received from Kaye Jernigan and Doug Bodary for appointment to the Community Care Board. Both applicants were in attendance and addressed the Committee.

"Commissioner Johnson moved, seconded by Commissioner Phillips to recommend appointment of Kaye Jernigan and Doug Bodary to the Community Care Board. This motion passed unanimously by acclamation."

FILL COUNTY GENERAL EMPLOYEE VACANCY ON INSURANCE COMMITTEE:

Chairman Gooch advised applications had been received from Brian Gaither, Shauntae Sherril and Dianne Chapman for appointment to the County general employee position on the Insurance Committee. Mr. Gaither and Ms. Sherril were in attendance and addressed the Committee.

"Commissioner Phillips moved, seconded by Commissioner Stevens, to nominate all applicants and vote for one. Ms. Sherril will be recommended for appointment to the Insurance Company in the general employee position with Commissioner Johnson voting for Chapman, Commissioners McAdoo and Stevens voting for Gaither and Commissioners Peay, Phillips and Gooch voting for Sherrill."

FILL TWO VACANCIES ON CORRECTIONAL WORK CENTER BOARD:

Chairman Gooch advised applications had been received from Frances Mosby and Robert Asbury for appointment to the Correctional Work Center Board. Mr. Asbury and Ms. Mosby were both in attendance and addressed the Committee.

"Commissioner Johnson moved, seconded by Commissioner Phillips, to approve by acclamation the appointment of Bob Asbury and Frances Mosby to the Correctional Work Center Board. This motion passed unanimously by acclamation."

FILL TWO VACANCIES ON PUBLIC BUILDING AUTHORITY:

Chairman Gooch advised applications had been received from Dow Smith and Leslie Smith, Jr. for appointment to the Public Building Authority.

"Commissioner Stevens moved, seconded by Commissioner Johnson, to approve appointment of Dow Smith and Leslie Smith, Jr. to the Public Building Authority by acclamation. This motion passed unanimously by acclamation."

ANNOUNCE VACANCY ON LINEBAUGH LIBRARY BOARD - FEMALE FROM THE EAGLEVILLE AREA:

Chairman Gooch advised the unexpired term of Kari Sostrom on the Linebaugh Library Board was being announced which expires June, 2017. Applicants need to be females from the Eagleville area.

ANNOUNCE TWO VACANCIES ON CONSERVATION BOARD:

Chairman Gooch advised the positions of Michael Shirley and Jim Estes on the Conservation Board were expiring and accordingly being announced.

ANNOUNCE VACANCY ON PUBLIC BUILDING AUTHORITY TO FILL UNEXPIRED TERM OF SCOTT PORTERFIELD:

Chairman Gooch advised the unexpired term of Scott Porterfield on the Public Building Authority was being announced which expires January, 2020.

REQUEST TO INCREASE LITIGATION TAX FROM \$10.35 TO \$14.00 FOR GENERAL SESSIONS JUDGES' SALARIES:

Finance Director Nolen advised an audit had been performed on the number of cases generated in General Sessions and the adjustment allowed would be \$3.76 raising the current rate of \$10.35

to \$14.11 which can be used to pay the judge's salaries. The recommended rate is \$14.

"Commissioner Johnson moved, seconded by Commissioner Phillips, to approve an increase in the General Sessions litigation cost to \$14 for payment towards General Sessions Judge's salaries and forward the same to the Budget Committee. This motion passed by acclamation with Commissioner Stevens abstaining."

#### DISCUSSION WITH LEGISLATORS:

Chairman Gooch introduced Representatives Dawn White and Dr. Bryan Terry and Senators Jim Tracy and Bill Ketron. Ms. White advised she is in her second term and Dr. Terry is in his first term. Senator Ketron advised the Legislature starts back January 12 and the bill cut off date is January 21. The House limit on bills is 15 but there is no limit in the Senate.

Chairman Gooch advised pursuant to the Tenth Amendment to the Constitution the founders intended for government to be small and power to be closer to the people and asked if there was anything the Legislature could do to stop rights being taken away from the State. Senator Ketron advised the Thomas Moore law firm has agreed to represent the State at no cost regarding the refugee resettlements and they feel confident but the Governor has to pull the trigger for the representation. The State Department has continued to shift costs back to the State. The State needs help on English language learners. Senator Ketron advised citizens should see the State take action in a week or so. Commissioner Phillips advised he had heard that passing legislation was useless and asked if the same was fruitless. Senator Ketron advised it was on the refugee resettlement but not on the Tenth Amendment issues. Senator Tracy advised there is no notice to States when refugees are being settled before their arrival. Commissioner Phillips advised he was adamant on State's rights and wanted to enforce Counties have rights and to know Counties have issues with legislation that affects counties. Commissioner Peay advised he had the same thoughts as Commissioner Phillips. Commissioner Peay additionally advised he had heard the Governor talk about the State Board of Regents not being over all colleges and inquired about that. Representative White advised she was encouraged by this action because local citizens are better to lead and this seems a positive for MTSU. Senator Tracy advised each four year school will have individual boards which report to the Tennessee Higher Education Commission. The Board of Regents will be over community colleges and TCAP schools. Senator Ketron advised he had disagreed with the Governor having sole ability to make appointment as he thought both Speakers should also be able to make appointments but overall he sees this as advantageous.

Senator Ketron advised there are two options for public transportation and that was CSX or mass transit like a monorail as he thought busses were short sighted. There is not enough room to widen I-24 and the cost would be 2.6 billion while the cost of a monorail would be 2.1 billion. However, if the private sector invests in mass transit then citizens would have to put up the middle of the interstate or the sides. A study group needs to be started as the area is almost at grid lock status.

Commissioner Johnson asked if there was any feedback on the problem with substitute teachers and the per diem. Senator Tracy advised he thought this would be considered as the problem is statewide.

Commissioner Johnson also asked for an update on transportation. Senator Tracy advised this is a big concern across the State and he has asked the Governor to replace the money to the transportation fund. The Tennessee gas tax is 21.4¢ per gallon and 18.4¢ on diesel. 5.44¢ is paid to the County and 2.74¢ to the cities. There is no debt on Tennessee roads. The average citizen drives 1,500 miles per year and pays approximately \$160 in gas tax. Senator Tracy

advised Tennessee is at a crossroads on transportation and needs to develop a long term plan. 91% of TDOT money goes back into roads. Commissioner Johnson advised only 1¢ of County property tax goes to roads and bridges and he thought the County did a good job with the money it has for roads and bridges.

Commissioner Stevens asked for an update on area roads. Senator Tracy advised Jefferson Pike is in the process of acquiring right of ways and may can be in next year's projects. As to the Rocky Fork interchange work with the Feds needs to continue since this is on the interstate. As to Sam Ridley, it all comes back to money and projects have to be prioritized. Cities, counties and the State need to work together to prioritize. Representative Sparks advised it was hard to sell a gas tax when Tennessee is #2 in the nation on infrastructure. Senator Tracy advised Tennessee pays as it goes on roads which is why Jefferson Pike is taking so long.

Commissioner Stevens asked if the State had surplus monies that could be used. Representative Terry advised revenue is above projections and projects will be looked at. Senator Ketron advised budgets can be tougher when there is money. Representative Terry advised the rainy day fund needed to be considered as it is underfunded. Senator Ketron advised also the Hall tax wanted to be phased down.

Commissioner Stevens advised the County needed creative ways to fund the new Judicial Building and wondered if the delegation would be willing to support an increase in the Litigation tax. Senator Ketron advised he would if the Commission forwarded a Resolution with a 2/3 vote.

Commissioner Stevens also asked about increasing the membership on the BZA. Senator Ketron advised this would be a Private Act. Mayor Burgess advised he thought it should be an amendment to the general law and Senator Ketron requested a Resolution.

Commissioner McAdoo requested an update on improvements to Bradyville Pike. Senator Tracy advised this is another road on the project list and the best thing to do is remind the legislators about roads of concern and TDOT is aware that Bradyville Pike is a safety issue.

Commissioner McAdoo advised the correctional system and jail is overcrowded and asked when could the State take inmates for relief to avoid a Federal Judge ordering the County to build a jail. Senator Tracy advised he was hearing this from other counties and it is a big issue.

Senator Tracy advised there should be movement this year to allow counties and cities to have more freedom. Senator Ketron advised he thought there would be movement with lesser drug charges to release some inmates.

Representative Sparks encouraged the Steering Committee to speak to families of inmates and ask how much more fees they can afford. There is a drug epidemic. The new Workhouse is good but the system needs to be rethought and need to teach to fish. The State is guilty of passing laws that impact more lives. Additionally, the Commission needs to look at the PCC numbers and ask questions. Commissioner McAdoo advised he was glad the State would look at doing something with minor charges.

Mayor Burgess advised one main problem in Rutherford County is funding education with so much growth as the County has to build one new school per year. The budget required a 20¢ increase last year to run schools. There has been no improvement in the BEP fund and there has been no healthy discussion or effort to address the needs in the education system which takes over 75% of the County's budget. The County is getting no contribution with capital building costs.

Senator Tracy advised there is much discussion on revamping BEP. Mayor Burgess advised the burden cannot continue to be put on the taxpayer.

Commissioner Allen advised her top two issues are BEP funding and unfunded mandates like the computer testing and not being able to use XP which was an immediate funding requirement. Senator Ketron advised this was frustrating to him as well. The computers were not voted on as a law but was a rule by the State Education Department and he did not know this was done until it was over. Commissioner Allen encouraged the delegation to look at the system and see what is working. Commissioner Allen advised teacher's salaries and morale are a concern. The Governor's 4% teacher pay increase did not translate to the full amount when it reached the County and this resulted in a County tax increase for full funding.

Commissioner Read advised he wanted to mention Highway 99 and needed improvements to that area. Additionally, groups of farmers brought water and electricity to the rural areas. Now there is a need for broad band in the rural areas and this is becoming a utility as big as water and electricity.

Commissioner Gourley advised the County faces issues with schools, corrections and roads and he would like to see more effort to do more together as enough taxes cannot be passed to do it all. Technology may solve some other problems as well.

Commissioner Dodd requested elaboration on the County freedom mentioned by Senator Tracy. Senator Tracy advised it was a movement to give more flexibility on the gas tax and litigation tax and may be cities more than counties. Commissioner Dodd asked if anyone recalled any motivation on tying the hands of the Commission on increasing impact fees in the past. Senator Ketron advised it was a long time ago and was on a statewide basis. Mayor Burgess advised counties with the County Powers Act is limited on how much the County can increase the impact fee. Commissioner Dodd advised he has been shocked with the inability to raise revenue which is mostly due to the State.

Commissioner Allen inquired if an increase on the gas tax seemed possible. Senator Ketron advised he thought it should have been indexed 25 years ago and needs to be a general law. He did not think any increase would pass this year with it being an election year. There has not been a good job done educating the public and there is no charge on electric cars, etc. Senator Tracy advised they have asked for a ten year plan from the Governor and TDOT. Nothing has been done on transportation funding since 1989. Needs should be studied and Senator Tracy requested priorities from Rutherford County on roads to determine the cost and then go to citizens as they were elected to come up with solutions. Representative White advised she would not vote for a gas tax on individuals driving to work every day and alternatives needed to be looked into. Representative Sparks advised it takes 107 days for a citizen to pay their taxes. Also, Tennessee is #2 in the nation on infrastructure so it is hard to sell a gas tax. There are infrastructure needs but people do not want more taxes and we are in the times of doing more with less. Senator Tracy advised there are going to have to be tough decisions in the next couple of years and need to talk to constituents. The Trucking Association has advised of the need to raise the tax on diesel because it knows the importance of the fee. Representative Terry advised if the gas tax were increased it takes disposable income from families and may hurt sales tax.

Commissioner Allen advised the current Commission is very conservative and no one wants to raise taxes. However, the Commission has a short list of things it can do to make changes and asked what was needed to make changes. Representative Sparks advised the change on insurance was a hard step and the Resolution on unfunded mandates was appreciated. The change on school bus mileage made a big change

and saved school bus drivers money. Representative Sparks advised when the County doubled the impact fee it made Rutherford County the most expensive county to build in. Representative Sparks further advised Resolutions bring issues to the forefront and he thought homeschooling should be encouraged. If 80% of inmates have drug issues then the County should get a drug counselor as they have a captive audience. Commissioner Phillips advised he understood Representative Sparks' statements but did not remember doubling the impact fees.

Commissioner Phillips asked that the hands of the Commission not be tied and an alternative to property taxes is needed. The Commission needs the opportunity to develop something besides property taxes but realistically property taxes is the only thing available to the County to fund its budget and asked that mandates not be passed that tie the hands of the Commission. Senator Tracy advised everyone was elected and need to communicate to citizens. If citizens understand they are willing to support for a solution but have to communicate to citizens. A lot of citizens do not trust government but all can be done is communicate.

Commissioner Peay advised the buck stops here as far as money is concerned and the hands of the Commission are tied.

#### INCREASE OF BZA MEMBERSHIP:

Commissioner Stevens advised he wished to submit a request to the State delegation to support a bill to increase the BZA membership. Following discussion,

"Commissioner Stevens moved, seconded by Commissioner Phillips, to ask the State delegation to support a bill to increase BZA Board membership to 3, 5, 7 or 9 members. This motion passed unanimously by acclamation."

#### INCREASE IN LITIGATION TAX:

Commissioner Stevens next advised he would like to submit a request to the State delegation to sponsor and actively support a bill to amend T.C.A. 67-4-601 to allow a County to assess up to an additional \$25 per civil and criminal case if adopted by the County Commission by a 2/3 majority, as a user fee to be used for jail construction and maintenance, courthouse construction and maintenance, Juvenile Detention Center construction and maintenance or workhouse construction and maintenance. The fee is paid when a civil case is filed and assessed against defendants in criminal cases. Commissioner Peay advised there are a lot of indigent defendants and the County is currently in a lawsuit on this issue. Commissioner Stevens advised a Judge can waive the fee if the defendant is indigent but they have to request the fee be waived. Following discussion,

"Commissioner Stevens moved, seconded by Commissioner Phillips, to ask the State delegation to sponsor and actively support a bill to amend T.C.A. 67-4-601 to allow a County to assess up to an additional \$25 per civil and criminal case if adopted by the County Commission by a 2/3 majority, as a user fee to be used for jail construction and maintenance, courthouse construction and maintenance, Juvenile Detention Center construction and maintenance or workhouse construction and maintenance. This motion passed unanimously by acclamation."

There appearing to be no further business to come before the Committee, Chairman Gooch declared the meeting adjourned at 7:50 p.m.

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TREY GOOCH, Chairman